

## RESPONSE

At the outset, Applicant notes that it is filing concurrently herewith a Petition For Revival of Unintentionally Abandoned Application. This Response is submitted to substantively respond to the Office Action mailed August 15, 2001.

As noted in that Office Action of August 15, 2001, claims 1-7, 21-24 and 27 are pending in this application. As a result of the foregoing amendments, claims 1-7 have been cancelled. They have been substantively rewritten in part in new claims 35-40. In addition to new claims 35-40 and amended claims 21 and 22 noted above, Applicant provides for the purposes of convenience, a retyped version of claims 23, 24 and 27 as they are presently worded:

23. A method as claimed in claim 22 wherein said cutting means moves along said rail means so as to cut said material

24. A method as claimed in claim 23 wherein said cutting means comprises cutting wheel means controlled by computer means for moving said cutting wheel means across said material.

27. A method as claimed in claim 21 wherein said material is wrapped around the arc of said cylindrical surface, and moves in unison with said rotating cylindrical surface as said cutting means cut said material.

In response to the Office Action of August 15, 2001, Applicant turns first to the substantive rejection of the claims based on 35 U.S.C. §112. In order to meet the concerns of the Examiner, Applicant has made the foregoing amendments. Specifically, most of claims 1-7 have been effectively rewritten and set forth as new claims 35-40. It is the §112 objections of the Examiner that are the sole reason for the revision of claims 1-7 in claims 35-40. Applicant now submits that these

claims 35-40 more clearly and definitely describe the present invention and conform to Patent Office requirements. With respect to claims 21-24 and 27, Applicant respectfully submits that those claims are in proper form now that they depend from new claim 35. Specifically, the limitations contained in claims 21-24 and 27 are all properly applied to and are in addition to the steps of the method set forth in claim 35. For all of these reasons, Applicant respectfully submits that the pending claims 21-24, 27 and 35-40 now meet the requirements of 35 U.S.C. §112.

Applicant now turns to the substantive rejection of the claims over the prior art. Specifically, the Examiner has rejected all of the claims as being obvious based on prior art reference U.S. Patent No. 4,512,226 to Juckett in view of U.S. Patent No. 4,725,961 to Pearl. Applicant submits that, when properly interpreted, the Juckett and Pearl references are insufficient as a matter of law to be the basis for the cited rejection. Further, the combination of Juckett and Pearl is not appropriate.

Turning first to the Juckett reference, it is apparent that the Juckett reference relates to an apparatus and accompanying method for slitting the edges of a wet web. The inherent teachings and the explicit description in Juckett is specifically adapted to this cutting of a wet web. The trim roll in Juckett is necessarily a wire cloth, because the wire cloth is needed to discourage the wet web (fiberglass sheet) from sticking to the surface of the roll for unrolling purposes. There are only narrow trim anvils that are fixed onto the surface of the

roller that are adapted to work with the circular knives to trim the web moving across the roll (col. 3, line 37 - col. 4, line 2). Further, each trim anvil is narrow and may be moved on the face of the roll, but not without stopping the machinery and refixing the trim anvil to a new position (col. 3, lines 5-9). As a result of this restricted placement of the trim anvil, the circular knives used in Juckett are unable to move laterally across the surface of the roll. They are limited to the narrow band of the trim anvil. As noted above, the remainder of the roll is necessarily a wire cloth that enables the operation of the system. Importantly, therefore, Juckett is explicitly inappropriate to combine with a method that moves cutting means across the cylindrical cutting surface, because Juckett would be inoperable in that situation.

✓ Turning next to Pearl, Pearl discusses a method and apparatus for cutting irregularly shaped and sized sheet material. Pearl does not and can not cut a continuous web. Pearl requires that the sheet material move in both forward and reverse directions in order to digitize in the first step and cut in the second step a subject sheet. Further, Pearl discloses the use of only one knife. Since the cut out portions of the subject sheet material are fully two dimensional, it is only possible to have one knife, because single unique cuts are performed. There are not two or more knives or simultaneous cuts along the side of the sheet, because this is impossible or at least impractical with the individual cuts envisioned by Pearl. Pearl requires a full 360° of cutting movement, so it does not teach movement in a similar, parallel direction which is inherently impossible when

cutting parts and pieces from an irregular shaped or sized sheet material.

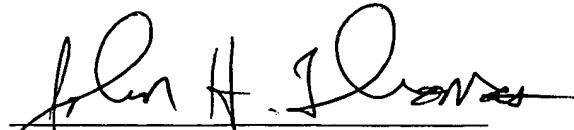
Applicant notes further that Pearl teaches the use of a bristle bed in combination with a vacuum. This belies the actual teaching and disclosure of Pearl which is its use primarily for hides. A bristle bed would be impossible to use with, for instance, plastic films (see column 3, lines 55-58). In summary, therefore, Pearl actually teaches away from the claimed invention and is an improper reference to combine with Juckett to invalidate the claimed invention.

For the foregoing reasons, Applicant submits that the references of Juckett and Pearl are inadequate alone and in combination to invalidate the present invention. The recited combination is improper based on the language of the references themselves that explicitly teach away from the combination necessary to invalidate the present claimed invention.

For all the foregoing reasons, Applicant submits that the application is in condition for allowance. Favorable action is requested thereon.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 50-2127.

Respectfully submitted,

  
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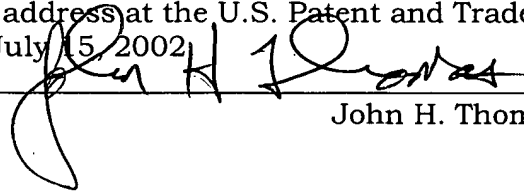
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the appropriate address at the U.S. Patent and Trademark Office required under 37 C.F.R. § 1.1(a) on July 15, 2002.

by: \_\_\_\_\_

  
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John H. Thomas

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

21. (Twice Amended) A method as claimed in claim ~~1~~ 35, wherein said cutting means is disposed on rail means, said rail means disposed substantially parallel to ~~said~~ the axis of rotation of the cylindrical cutting surface.

22. (Amended) A method as claimed in claim ~~1~~ 35, wherein said cylindrical cutting surface rotates about an axis of rotation and said cutting means traverses said material in a direction parallel to said axis of rotation so as to cut said material while said material is in rolling contact on said cylindrical surface ~~so as to cut said material~~.